

Second Regular Session 113th General Assembly (2004)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2003 Regular Session of the General Assembly.

HOUSE ENROLLED ACT No. 1087

AN ACT to amend the Indiana Code concerning natural and cultural resources.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 14-33-4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 2. (a) This section applies to all districts. ~~except for districts described in section 3 of this chapter.~~

(b) To add area to a district already established:

(1) the same procedure must be used as is provided for the establishment of a district with the petition addressed to the court having jurisdiction over the district; or

(2) the board may pass a resolution adding additional area to the district already established if the board has received a petition that:

(A) is signed by:

(i) the majority of freeholders; or

(ii) a municipality under IC 14-33-2-7;

within the area proposed to be added; and

(B) requests the addition of the area to the district.

The resolution may contain reasonable terms and conditions imposed on the additional area.

(c) The board shall file the resolution and petition with the court.

(d) Upon receipt of a petition or a petition and a resolution, the court shall do the following:

(1) Set a date for a hearing.

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(2) Have notice published and mailed to:

(A) the commission; and

(B) the freeholders both in the district and in the area proposed to be added;

in the same manner in which notice is required for notice of the hearing on the original petition to establish the district.

(e) If:

(1) an objection is not filed at the hearing by:

(A) the commission; or

(B) an owner of real property either in the district or in the area to be added; and

(2) the court determines that the petition is proper;

the court shall order the district established in the additional area.

(f) If an objection is filed, the court shall do the following:

(1) Determine at the hearing the following:

(A) The sufficiency of the petition.

(B) The necessity and feasibility of adding the area.

(2) Make the order according to the facts found.

SECTION 2. IC 14-33-5-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 12. **(a)** If a vacancy occurs on the board, the board of commissioners of the county shall vote to appoint a member to serve until the next annual meeting.

(b) If the vote held under subsection (a) results in a tie, a judge of the circuit court of the county in which the district was established shall designate a person to serve as a member until the next annual meeting.

(c) At the next annual meeting a director shall be elected to complete the term.

SECTION 3. IC 14-33-4-3 IS REPEALED [EFFECTIVE JULY 1, 2004].

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Speaker of the House of Representatives

President of the Senate

President Pro Tempore

Approved: _____

Governor of the State of Indiana

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